

INITIATIVE 171

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, hereby certify that the attached is a true and correct copy of Initiative Measure No. 171 to the Legislature as it was received by this office.

1 AN ACT Relating to the family rights; amending RCW 74.13.020 and
2 74.13.031; adding a new chapter to Tittle 26 RCW; repealing RCW
3 26.44.010, 26.44.015, 26.44.020, 26.44.030, 26.44.032, 26.44.035,
4 26.44.040, 26.44.050, 26.44.053, 26.44.056, 26.44.060, 26.44.063,
5 26.44.067, 26.44.075, 26.44.080, 26.44.100, 26.44.105, 26.44.110,
6 26.44.115, 26.44.120, 26.44.130, 26.44.140, 26.44.150, 26.44.150,
7 26.44.900; and prescribing penalties.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The people find that children need their
10 families and should be raised by their own families. A functioning
11 family is essential in order to promote the child's health, safety, and
12 welfare. Therefore the family needs to remain intact and allow the
13 children to remain at home.

14 (2) The people also find that certain state agencies, staff, and
15 officials have conspired to terroristically victimize the families and
16 parents of the state.

17 (3) It is the purpose of this chapter to protect the family by:

18 (a) Providing the indisputable rights needed by families to protect
19 themselves from this tyrannical control;

1 (b) Reducing future threat of their control by the discontinuation
2 of the employment of such persons; and

3 (c) Limiting the authority of the state and state agencies from the
4 uncontrolled attacks against the families of Washington state.

5 NEW SECTION. **Sec. 2.** Families shall have the following rights:

6 (1) Families have the right to choose their children's education.
7 Parents may choose what is taught to their children in public schools.
8 They may remove their children from any class they choose as
9 unsuitable.

10 (2) Families have the right to discipline their children, unless
11 determined as cruel or unusual punishment in criminal court.

12 (3) Families have a right to stay together. The families shall
13 have full custody over the children. If the parents, or guardians
14 cannot be with the family due to circumstances, such as in cases of
15 death or incarceration, the rest of the family have a right to stay
16 together, and shall not be separated. No court shall take custody of
17 a child, unless:

18 (a) All parents or guardians of the child are in criminal
19 incarceration.

20 (b) The child is in juvenile incarceration.

21 (4) Families are diverse and have a right to be respected for the
22 special cultural, racial, ethnic, and religious traditions that make
23 them distinct. Children can be reared well in different kinds of
24 families, and one family form should not be discriminated against.

25 NEW SECTION. **Sec. 3.** A state employee who withholds these rights
26 of family in section 2 of this act is punishable as a class C felony
27 according to chapter 9A.20 RCW. A state employee who withholds these
28 rights of family in section 2 of this act may not be employed by the
29 state of Washington.

30 NEW SECTION. **Sec. 4.** This act applies to all causes of action
31 commenced on or after the effective date of this act, regardless of
32 when the cause of action may have arisen. To this extent, this act
33 applies retroactively, but in all other respects it applies
34 prospectively.

35 NEW SECTION. **Sec. 5.** For the purposes of this chapter:

(1) "Child" means any individual under the age of eighteen years.
(2) "Guardian" means the person who has legal right of the child, excluding the state and other agencies.
(3) "Family" includes two or more children who are not in the custody of a parent or guardian.

Sec. 6. RCW 74.13.020 and 1979 c 155 ú 76 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

~~(1) ((Preventing or remedying, assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~(2) Protecting and caring for homeless, dependent, or neglected children;~~

~~(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;~~

~~(4))) Protecting and promoting the welfare of children((, including the)) by strengthening of their own homes ((where possible, or,)) where needed;~~

~~((+5))) (2) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

As used in this chapter, child means a person less than eighteen years of age.

Sec. 7. RCW 74.13.031 and 1990 c 146 ú 9 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

~~(1) ((Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, neglected children.~~

~~(2))) Develop a recruiting plan for recruiting adequate number of prospective adoptive and foster homes, both regular and specialized,~~

1 i.e. homes for children of ethnic minority, including Indian homes for
2 Indian children, sibling groups, handicapped and emotionally disturbed,
3 and annually submit the plan for review to the house and senate
4 committees on social and health services. The plan shall include a
5 section entitled "Foster Home Turn-Over, Causes and Recommendations."

6 ~~((3) Investigate complaints of neglect, abuse, or abandonment of~~
7 ~~children, and on the basis of the findings of such investigation, offer~~
8 ~~child welfare services in relation to the problem to such parents,~~
9 ~~legal custodians, or persons serving in loco parentis, and/or bring the~~
10 ~~situation to the attention of an appropriate court, or another~~
11 ~~community agency: PROVIDED, That an investigation is not required of~~
12 ~~nonaccidental injuries which are clearly not the result of a lack of~~
13 ~~care or supervision by the child's parents, legal custodians, or~~
14 ~~persons serving in loco parentis. If the investigation reveals that a~~
15 ~~crime may have been committed, the department shall notify the~~
16 ~~appropriate law enforcement agency.~~

17 ~~(4))~~ (2) Offer, on a voluntary basis, family reconciliation
18 services to families who are in conflict.

19 ~~((5))~~ (3) Monitor out-of-home placements, on a timely and routine
20 basis, to assure the safety, well-being, and quality of care being
21 provided is within the scope of the intent of the legislature as
22 defined in RCW 74.13.010, and annually submit a report delineating the
23 results to the house and senate committees on social and health
24 services.

25 ~~((6))~~ (4) Have the authority to accept voluntary custody of
26 children from parents ~~((and to accept custody of children from juvenile~~
27 ~~courts, where authorized to do so under law))~~, to provide child welfare
28 services including placement for adoption, and to provide for the
29 physical care of such children and make payment of costs if needed.
30 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
31 private adoption from the department shall discriminate on the basis of
32 race, creed, or color when considering applications in their placement
33 for adoption.

34 ~~((7))~~ (5) Have the authority to provide temporary shelter to
35 children who have run away from home and who are admitted to crisis
36 residential centers.

37 ~~((8))~~ (6) Have the authority to purchase care for children; and
38 shall follow in general the policy of using properly approved private
39 agency services for the actual care and supervision of such children

1 insofar as they are available, paying for care of such children as are
2 accepted by the department as eligible for support at reasonable rates
3 established by the department.

4 ~~((+9+))~~ (7) Establish a children's services advisory committee
5 which shall assist the secretary in the development of a partnership
6 plan for utilizing resources of the public and private sectors, and
7 advise on all matters pertaining to child welfare, day care, licensing
8 of child care agencies, adoption, and services related thereto. At
9 least one-third of the membership shall be composed of child care
10 providers, and at least one member shall represent the adoption
11 community.

12 ~~((+10+))~~ (8) Have authority to provide continued foster care or
13 group care for individuals from eighteen through twenty years of age to
14 enable them to complete high school or vocational school program.

15 ~~((+11+))~~ (9) Have authority within funds appropriated for foster
16 care services to purchase care for Indian children who are in the
17 custody of a federally recognized Indian tribe or tribally licensed
18 child-placing agency pursuant to parental consent, tribal court order,
19 or state juvenile court order, and the purchase of such care shall be
20 subject to the same eligibility standards and rates of support
21 applicable to other children for whom the department purchases care.

22 Notwithstanding any other provision of RCW 13.32A.170 through
23 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
24 services to be provided by the department of social and health services
25 under subsections ~~((+4+))~~ (2), ~~((+6+))~~ (4), and ~~((+7+))~~ (5) of this
26 section, subject to the limitations of these subsections, may be
27 provided by any program offering such services funded pursuant to
28 Titles II and III of the federal Juvenile and delinquency prevention
29 act of 1974.

30 NEW SECTION. Sec. 8. The following acts or parts of acts are each
31 repealed:

32 (1) RCW 26.44.010 and 1987 c 206 ú 1; 1984 c 97 ú 1; 1977 ex.s. c
33 80 ú 24; 1975 1st ex.s. c 217 ú 1; 1969 ex.s. c 35 ú 1; 1965 c 13 ú 1.

34 (2) RCW 26.44.015 and 1993 c 412 ú 11.

35 (3) RCW 26.44.020 and 1993 c 412 ú 12; 1993 c 402 ú 1; 1988 c 142
36 ú 1. Prior; 1987 c 524 ú 9; 1987 c 206; 1984 c 97 ú 2; 1982 c 129 ú 6;
37 1981 c ú 164 ú 1; 1977 ex.s. c 80 ú 25; 1975 1st ex.s. c 217 ú 2; 1969
38 ex.s. c 35 ú 2; 1965 c 13 ú 2

1 (4) RCW 26.44.030 and 1993 c 412 ú 13; 1993 c 237 ú 1; 1991 c 111
2 ú 1; 1989 c 22 ú 1. Prior: 1988 c 142 ú 2; 1988 c 39 ú 1; prior:
3 1987 c 524 ú 10; 1987 c 512 ú 23; 1987 c 206 ú 3; 1986 c 145 ú 1; 1985
4 c 259 ú 2; 1984 c 97 ú 3; 1982 c 129 ú 7; 1981 c 164 ú 2; 1977 ex.s. c
5 80 ú 26; 1975 1st ex.s. c 217 ú 3; 1971 ex.s. c 167 ú 1; 1969 ex.s. c
6 35 ú 3; 1965 c 13 ú 3.,
7 (5) RCW 26.44.032 and 1985 c 259 ú 3.
8 (6) RCW 26.44.035 and 1985 c 259 ú 3.
9 (7) RCW 26.44.040 and 1993 c 412 ú 14; 1987 c 206 ú 4; 1984 c 97 ú
10 4; 1977 ex.s. c 80 ú 27; 1975 1st 217 ú 4; 1971 ex.sl. c 167 ú 2; 1969
11 ex.s. c 35 ú 4; 1965 c 13 ú 4.
12 (8) RCW 26.44.050 and 1987 c 450 ú 7; 1987 c 206 ú 5; 1984 c 97 ú
13 5; 1981 c 164 ú 3; 1977 ex.s. c 291 ú 51; 1977 ex.s. c 80 ú 28; 1975
14 1st ex.s. c 217 ú 5; 1971 ex.s. c 302 ú 15; 1969 ex.s. c 35 ú 5; 1965
15 c 13 ú 5.
16 (9) RCW 26.44.053 and 1994 c 110 ú 1; 1993 c 241 ú 4. Prior: 1987
17 c 524 ú 11; 1987 c 206 ú 7; 1975 1st ex.s. c 217 ú 8
18 (10) RCW 26.44.056 and 1983 c 246 ú 3; 1982 c 129 ú 8; 1975 1st
19 ex.s. c 217 ú 9.
20 (11) RCW 26.44.060 and 1988 c 142 ú 3; 1982 c 129 ú 9; 1975 1st
21 ex.s. c 217 ú 6; 1965 c 13 ú 6.
22 (12) RCW 26.44.063 and 1993 c 412 ú 15; 1988 c 190 ú 3; 1985 c 35
23 ú 1.
24 (13) RCW 26.44.067 and 1993 c 412 ú 16; 1989 c 373 ú 23; 1985 c 35
25 ú 2.
26 (14) RCW 26.44.075 and 1985 c 259 ú 4.
27 (15) RCW 26.44.080 and 1982 c 129 ú 10; 1971 ex.s. c 167 ú 3.
28 (16) RCW 26.44.100 and 1993 c 412 ú 17; 1985 c 183 ú 1.
29 (17) RCW 26.44.105 and 1985 c 183 ú 3.
30 (18) RCW 26.44.110 and 1985 c 183 ú 3.
31 (19) RCW 26.44.115 and 1990 c 246 ú 10; 1985 c 183 ú 4.
32 (20) RCW 26.44.120 and 1985 c 183 ú 5
33 (21) RCW 26.44.130 and 1988 c 190 ú 4.
34 (22) RCW 26.44.140 and 1991 c 301 ú 15; 1990 C 3 ú 1301.
35 (23) RCW 26.44.150 and 1993 c 412 ú 18.
36 (24) RCW 26.44.160 and 1993 c 402 ú 2.
37 (25) RCW 26.44.900 and 1975 1st ex.s. c 217 ú 10.

1 NEW SECTION. **Sec. 9.** Sections 1 through 5 and 10 of this act
2 shall constitute a new chapter in Title 26 RCW.

3 NEW SECTION. **Sec. 10.** This chapter may be known as the Family
4 Rights act.

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